

Application No. 10/809,015
Amendment dated December 8, 2008
Reply to Non-Final Office Action of July 7, 2008

Docket No.: 11000128-0006
(Formerly 4089-A3C)
(PATENT APPLICATION)

REMARKS

In the Non-Final Office Action dated July 7, 2008, claims 21-28 are pending. Claims 21-22 stand rejected under 35 U.S.C. 102(c) as being anticipated by Yan et al. (U.S. Patent Application Ser. No. 2002/0152116; hereinafter "Yan"). Claims 23 and 25 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Yan in view of Shurling et al. (U.S. Patent 6,009,415; hereinafter "Shurling"). Claims 24 and 26-28 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Yan as modified by Shurling as applied to claim 23, and further in view of Selgas et al. (U.S. Patent 6,571,290; hereinafter "Selgas"). Claims 21, 23 and 25 are being amended. No new matter is being introduced by way of the amendments.

With regard to the rejection of independent claim 21, the amended claim is directed to a credit card referral method that includes "a service provider submitting an entry into a sweepstakes on behalf of the authorized user ... the entry of the authorized user comprising one of the entries from among multiple authorized users." Support for the claim amendment may be found at least on page 20, lines 7-21.

Yan, by contrast, is directed to a system for dynamically generating and distributing rewards or rebates to a credit cardholder in response to credit card payment transactions initiated by the credit cardholder. (Abstract and para. [0007]) Three modes for generating rebate awards are provided by Yan, including (i) "fixed rebates for all transactions in a given segment", (ii) "deep sweepstake rebate wherein a transaction or an account is dynamically selected for a fixed discount percent" and (iii) "awarding a dynamic rebate which may be applied to all or a select number of transactions in a given group or segment where the actual rebate awarded varies from transaction to transaction or from account to account." (para. [0031]) Each of these modes for generating rebate awards is performed on an account of a *single* credit cardholder. In other words, no matter which of the three modes described by Yan in providing a rebate to a cardholder is selected, that cardholder is the only cardholder in the sweepstakes and able to receive an award based on his or her own usage of the card.

Yan does not teach or suggest a sweepstakes where more than a single cardholder is entered to win a rebate (i.e., "an entry into a sweepstakes on behalf of the authorized user ... the entry of the authorized user comprising one of the entries from among multiple authorized users", as recited in

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Applicant's amended claim 21). Because Yan does not teach or suggest each and every element of Applicant's amended claim 21, Applicant respectfully requests that the rejection of claim 21 under 35 U.S.C. 102(b) be withdrawn. Claim 22, which depends from independent claim 21, should be allowable for at least the same reasons.

With regard to the rejection of claims 23 and 25, Applicant respectfully traverses the rejection. Shurling is directed to a data processing technique for scoring bank customer relationships and awarding incentive rewards. The relationship scores are based on customer deposit accounts, loan accounts, and customer referrals. (Abstract) Shurling, however, fails to provide for the shortcomings of Yan, as described with regard to claim 21 from which claims 23 and 25 depend. Accordingly, Applicant respectfully requests that the rejection of claims 23 and 25 under 35 U.S.C. 103(a) be withdrawn.

With regard to claims 24 and 26-28, Applicant respectfully traverses the rejection. Selgas is directed to a method for providing fungible intercourse over a network. (Title) The process simplifies the process of access to a network for a roaming computer user by dividing the responsibility of servicing a given user wanting to access the network between multiple parties wanting to access the network. (Abstract) In registering a user, a registration procedure enables the user to enter specific information, including referral information, if available. (Col. 15, lines 58-63). Selgas, however, fails to provide for the shortcomings of Yan, as described with regard to claim 21 from which claims 24 and 26-28 depend. Accordingly, Applicant respectfully requests that the rejection of claims 24 and 26-28 under 35 U.S.C. 103(a) be withdrawn.

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CONCLUSION

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 19-3140, under Order No. 11000128-0006 from which the undersigned is authorized to draw.

Dated: December 8, 2008

Respectfully submitted,

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